

MORNING SALES.

400 Gold & Curry—30 3/4	2000 1000 1000
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AFTERNOON SALES.

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PICHIE STOCKS.

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PICHIE MARKET REPORT.

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ARRIVALS AND DEPARTURES.

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LOCAL ITEMS.

THE HARRINGTON MURDER TRIAL.

The Prosecution Rests, and the Defense is Heard.

The court met yesterday morning to continue the trial of James Harrington for murder.

A crowd was waiting at the door of the court-room, and when it opened the seats were soon filled and there were many persons standing.

Sheriff Travis was called, and testified that three pistols—two navy size six-shooters and one self-cocking Whistler pistol—had been handed to him on the morning of the murder of Lynch.

He identified three pistols on the table as the ones given to him and kept in his custody since that time; also that the Whistler pistol was in the same condition then as when he received it.

Charles Davis was sworn, but there was nothing new in his testimony.

Dr. Philson was then sworn. He testified that gunshot wounds in the head sometimes produce insensibility, and sometimes not. Lynch's wound rendered him insensible; that he had visited him four or five times, and never had seen him in a rational condition; he had seen him shortly after he was shot.

Q.—Did you hear him reply to a question as to who had shot him? A.—I did not.

Q.—Supposing that at the time you first saw Lynch, the question "Who shot you?" was asked him, and that he should reply "Kelly," then after five minutes in answer to a similar question, he should say "Schoonmaker," and five minutes afterwards he should reply to a similar question "Charley," would you consider his answers rational? A.—I would not give an expression of opinion on that, as I don't consider that it is on the case. I said before that I did not consider his answers rational at any time.

Dr. Philson related an instance in his experience in which a man who had been wounded in the brain—the ball passing into the skull just above the left ear, going through the left lobe of the brain and coming out in the forehead—and had walked two hundred yards after receiving the wound, and for the next five days was sensible. Then after a delirium of three days the man had been gradually restored to perfect health. He also testified that in the case of Lynch he might have retained his senses long enough after the fatal wound, to cry out "Don't shoot any more, I'm killed," as he did not believe that in such cases paralysis was always instantaneous; also that in some cases a senile, or a train of thought which is interrupted by a sudden shock which paralyzes the mental powers, is resumed and continued after several hours have elapsed, when the mind suddenly has its powers restored to it.

D. Nagle testified that he had lent Lynch a pistol about 10 days before the shooting, and that the Whistler pistol on the table was the one he had lent him.

Br. Bergstein recalled, testified as follows: I attended J. H. Lynch all through his late illness; was with him constantly during the first sixty hours. The ball, going through the skull, broke into a number of fragments, which carried with them a number of small pieces of bone which were lodged in the ventricles of the brain. Such a wound would destroy the reason, in my opinion. It was such a wound as may be termed, to a certain extent, "a fearful laceration of the brain." Lynch would at times make seemingly rational answers.

Q. Were those answers purely mechanical? A. They were purely mechanical. I base my opinion that they were so on the fact that he made different answers to the same question at different times. At other times he would answer all questions alike. For instance, he would answer "yes," or "no" to everything asked him.

Q. Were all his answers of a similar character? A. They were. I heard Larkin, the actor, ask him "Who hurt you?" or "Who shot you?" He answered "Kelly," shortly afterwards the same question being asked, he said "Schoonmaker," after that he answered "Charley." Some time after this I asked him, "Lynch, do you know who hurt you?" He answered "No;" at another time I asked him, "Do you know that you are hurt?" He again answered "No." I asked the questions to ascertain whether he was rational, and came to the conclusion that he was not rational. I was very particular about finding out whether he was conscious, because I had promised the priest and the District Attorney that I would notify them if he became conscious. I gave them no notification to that effect, because he did not become conscious.

Chas. M. Fryer, sworn, I heard Schoonmaker tell Harrington that he was nothing to do with it; that he and the other man had settled the difficulty.

Frank Schoonmaker, recalled—I had a bowie knife on my person, but no firearm. I had a conversation with O'Neil a half or three quarters of an hour after the shooting in the presence of Sheriff Travis and my wife.

Q.—Did he [O'Neil] or did he not tell you whether he had a pistol or other firearm during the occurrence? The defense objected; objection sustained.

The prosecution rested and the court took a recess till 1:30 p. m.

TESTIMONY FOR THE DEFENSE.

At 1:30 p. m., Mr. Pitzer, of counsel for defense, opened the case of the defendant with a few remarks. He said that two men who had taken part in the affray during which Lynch was shot had not been called as witnesses by the prosecution; that he was sure that if the case went to the jury they would return a verdict of "not guilty" without leaving their seats; that the object of the defense in bringing forward testimony was not to prove the innocence of the prisoner, for they knew that already, but to show that they knew that any man would have done and that they expected to prove that he had, but another man—a man who had been "paralyzed" at the first shot, and knew nothing more about the transaction," was the one who had killed Lynch.

Dr. Bishop was then sworn and testified as follows: O'Neil and Sullivan, two gentlemen sitting near the defendant, were examined (I think after midnight) on the night in which the shooting occurred. Lynch is said to have taken place by Dr. Lee and myself. Mr. O'Neil was wounded in the hip. O'Neil came forward at the request of counsel, and showed his wound to the jury.

The ball lodged, but was extracted by Dr. Lee. A bullet forceps, while I administered chloroform, the ball entered almost directly from the left side, and the person shooting must have stood a little in front. The wound was something over an inch and a half deep. This (a bullet, battered in, without doubt, the phoroid) is, without doubt, the ball. The ball struck the hip-bone. I thought at the time that it was battered more than I had expected to see it, in going that far and having no more resistance. I would consider it a partially spent ball, was inflicted by a bullet which was thought of it having struck anything but a human body. Sullivan was forced to strike O'Neil. Sullivan was some forward and showed the wound in his wrist; the points of entrance and

exit are about an inch apart. This is the wound; the bullet might have touched the elbow (the larger bone of the forearm) reaching from the elbow to the wrist. I do not think the hip bone was broken.

Dr. Lee, sworn, I was supposed to have been the one who shot Lynch, but on examining it was found that the ball had struck the bone and sealed it, but had not fractured it. The scraping of the bone of Sullivan's wrist would probably break it. In all probability that ball from that pistol, encountering no resistance, would have fractured the bone of O'Neil's hip.

Ed Kelly, sworn—I worked for Lynch on 14th street; he generally kept a pistol in the house; on one occasion I saw him have two pistols.